IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.3371 OF 2006

In

APPEAL (L) NO.751 OF 2006

In

NOTICE OF MOTION NO.726 OF 2005

In

SUIT NO.648 OF 2005

Francis Wacziarg Agencies Pvt. Ltd. & Ors. : Appellants
(Orig.Deft. No.1)

V/s.

Mr.Yusuf Ismail Turk & Ors. : Respondents

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Ms M.V.Thakkar i/b. M/s.Dave & Co., for the appellants.

None present for the respondents.

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**CORAM : R.M.LODHA & S.A.BOBDE,JJ.**

DATE : NOVEMBER 17, 2006.

**P.C**.

1. The counsel for the appellants submits that the respondents have been served with the Notice of Motion. Despite service of the Notice of Motion, nobody appears for the respondents.

2. Having heard the counsel for the appellants-applicants and upon consideration of the affidavit-in-support of the Notice of Motion, we are satisfied that the delay of 30 days in filing the appeal is sufficiently explained.

3. We, accordingly, condone the delay in filing the appeal.

4. Office is directed to process the appeal and post it for admission.

5. Notice of Motion stands disposed of.

R.M. LODHA, J.

S.A. BOBDE, J.